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Attorney for Plaintiffs  
Automattic Inc. and  
Oliver Hotham

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AUTOMATTIC INC. and  
OLIVER HOTHAM,

Plaintiffs,

v.

NICK STEINER,

Defendant.

Case No. 3:13-cv-5413-JCS

**PLAINTIFFS' MOTION TO ENLARGE TIME  
TO SERVE FOREIGN DEFENDANT**

Ctrm: G - 15th Floor  
Judge: Honorable Joseph C. Spero

Pursuant to Civil Local Rule 6-3 and Federal Rule of Civil Procedure 4(f), Plaintiffs Automattic Inc. and Oliver Hotham (“Plaintiffs”) seek an extension of time to serve Defendant Nick Steiner, a foreign defendant, with a copy of the Summons, Complaint, and Supplementary Materials filed in this action in addition to the Motion to Relate Cases filed in *Automattic Inc. et al. v. Narendra Chatwal*, Case No. 5:13-cv-05411-HRL (“Documents for Service”) pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (the “Hague Convention”). Defendant Nick Steiner is located in England. The United States and the United Kingdom, which includes England, are both signatories to the Hague Convention.

Plaintiffs filed this case on November 21, 2013, alleging that Defendant sent notices of claimed infringement pursuant to 17 U.S.C. § 512(c) that contained knowing material misstatements that caused material to be removed by Automattic Inc. and thereby caused damage. After the Complaint was filed, Plaintiffs contacted ABC Legal to assist with the international service under the Hague Convention on Nick Steiner. *See* Affidavit of Michael Hawkins in Support of Plaintiffs’ Motion to Enlarge Time to Serve Foreign Defendant (“Hawkins Aff.”) ¶ 2, submitted herewith. Thereafter, ABC Legal completed the proper forms and paper work and sent the file to the England Central Authority, Queen’s Bench Division. The file was delivered on November 26, 2013. Hawkins Aff. ¶ 3.

The deadline for service under Federal Rule of Civil Procedure 4(m) is 120 days after the complaint is filed. Service under the Hague Convention can take several months to complete and Plaintiffs are unable to expedite the process. Hawkins Aff. ¶¶ 4, 5. To Plaintiffs’ knowledge, service of Nick Steiner has not been completed by the English authorities. Hawkins Aff. ¶ 6. Plaintiffs therefore request that the 120-day deadline be extended to allow sufficient time for service under the Hague Convention.

There have been no previous time modifications in the case, whether by stipulation or Court order. If this motion is granted, the dates set by the Order Setting Initial Case Management Conference and ADR Deadlines (ECF No. 6) will be modified.

### **CONCLUSION**

Plaintiffs respectfully request that this Court extend the time by which Plaintiffs may complete service under the Hague Service Convention. Given that service of process in the United Kingdom may

1 take up to four months to complete, Plaintiffs request that this court extend the service deadline to May 1,  
2 2014 to give the English authorities sufficient time to complete service on Defendant. Plaintiffs will file  
3 a status report regarding service no later than March 1, 2014.  
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5 Dated: December 10, 2013

DURIE TANGRI LLP

6  
7 By: /s/ Joseph C. Gratz  
JOSEPH C. GRATZ

8 Attorney for Plaintiffs  
9 Automattic Inc. and  
Oliver Hotham  
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